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## FISCAL IMPACT REPORT

SPONSOR Rodriguez DATE TYPED 2/21/05 HB \_\_\_\_\_

SHORT TITLE Law Enforcement Telecommunication Services SB 874

ANALYST Peery

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

#### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)

Department of Public Safety (DPS)

Public Regulation Commission (PRC)

#### No Responses

Municipal League

Association of Counties

#### SUMMARY

##### Synopsis of Bill

Senate Bill 874 creates a new section to the Cramming and Slamming Act that prohibits telecommunication providers from charging connection fees directly to the Department of Public Safety and the General Services Department for accessing the national crime information center or other similar statewide, regional or national crime or criminal information systems. The proposed legislation would require that telecommunication providers assess connection charges directly to the appropriated law enforcement agencies.

#### PERFORMANCE IMPLICATIONS

EMNRD states visitor safety is a key performance measure for the State Parks Division. Visitor safety can depend on the State Parks Division having quick and reliable access to the National Crime Information Center and other criminal information systems. This is so the State Parks Division law enforcement officers know with whom they are dealing or confronting. State Parks employees 90 law enforcement officers stationed throughout the state and all personnel as potential users at any time.

## **FISCAL IMPLICATIONS**

DPS reports they are not funded for remote end circuits to law enforcement agencies. DPS states they also are not funded for any upgrades that the law enforcement agencies choose to implement. If an agency wants to upgrade a circuit, the cost to DPS increases from \$.79 per month up to \$52.40 per month. If all the law enforcement agencies upgraded to the highest circuit type, DPS's core end cost could exceed \$90,000 a year.

EMNRD reports there could be a potential negative impact on the State Parks Division. The State Parks Division currently utilizes telecommunication services from local providers that permit Division to access the National Crime Information Center and other criminal information systems. EMNRD reports it is not known what the costs for these services would be. EMNRD states they would not be billed directly for connections if this legislation passed. EMNRD reports any negative fiscal impact to the State Parks Division would be realized if local dispatch service providers would pass on the cost of connection services.

## **ADMINISTRATIVE IMPLICATIONS**

DPS states they are not able to charge back costs incurred on behalf of the law enforcement agencies. The reconciliation of bills and accounts was an 18 month process for several agency employees. DPS reports they continue to receive requests for connectivity from the various law enforcement agencies, and although the law enforcement agencies may have already fiscally invested in enhancements to their circuits we cannot proceed without sufficient budget.

## **OTHER SUBSTANTIVE ISSUES**

DPS states the proposed legislation is designed to correct a telecommunication billing issue that has impacted the Department's operational budget for the last four years. In 2001, the Legislature prohibited DPS from paying for the circuits of local law enforcement agencies to connect to DPS for the purpose of conducting National Crime Information Center background checks. The legislature intended that the local law enforcement agencies and other qualified entities should pay for their connections directly to the telecommunication companies. QWEST maintains they cannot break out costs to the local law enforcement agencies and other entities.

## **ALTERNATIVES**

DPS suggests the following possible alternatives: legislation allowing DPS to bill and be reimbursed for expenses incurred by providing a circuit; fund DPS or the law enforcement agencies to provide funding to cover the circuits to all law enforcement agencies; or work with General Services Department to bill the law enforcement agencies for the costs associated with connectivity to DPS.

**RLP/lg**